IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 3623 of 2006

DATED: 13.10.2006

Between:

Hyderabad Urban Development Authority Contract Workers Union (Regd No. B2775) and another
petitioner

And

Asst Commissioner of Labour,
Circle II, Sri Tanguturi Anjaiah Bhavan
RTC X Roads, Hyderabad and another
Respondents

-
-
-
-
-

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.3623 of 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the first respondent- Assistant Commissioner of Labour, in closing the issue vide reference No.ACL-II/956/05 dated 25.11.2005 advising to settle the issues at the management and union level.

The first petitioner herein is registered union of the contract workers operating in the second respondent organisation. It is stated that the members of the petitioner union are engaged as contract/casual workers and attending to the gardening and other maintenance work at various parks and offices. The petitioner union alleges that presently there are no contractors and the members of the petitioner union are still continuing and consolidated salaries are being paid to them through second respondent. The petitioner union requested the second respondent organization to extend the benefits like provident fund, ESI and minimum wages. Since, no action was taken by the second respondent, they approached the first respondent-Assistant Commissioner of Labour. The Assistant Commissioner of Labour, on 25.11.2005 made an endorsement closing the joint meeting and advising the management and representatives of the union to settle the issues at their level. Hence, the present writ petition.

Learned counsel for petitioner submitted that the first respondent has not examined the matter and without following the due procedure

prescribed under section 12 of the I.D. Act, and without recording the reasons, in a mechanical manner passed the impugned order dated 25.11.2005 and sought for interference of the Court.

The first respondent filed a counter affidavit denying the averments made in the affidavit filed in support of the writ petition and *inter-alia* stating that in the joint meeting held on 25.11.2005, the issues raised by the petitioner union were discussed and it is found that the locations mentioned by the petitioner union does not fall under its jurisdiction and that the petitioner union was advised to send the contractors to appropriate licencing authority for obtaining the licenses under the Contract Labour Act.

The learned Special Government Pleader, appearing on behalf of the learned Advocate General, submitted that the petitioners are not the employees of Hyderabad Urban Development Authority (for short HUDA) and they are engaged by private contractors.

Heard learned counsel for petitioner, learned Special Government Pleader and learned Counsel for second respondent corporation.

Whether the petitioners were employed by the Hyderabad Urban Development Authority, or engaged by HUDA through private contractors cannot be adjudicated by this Court, and this issue has to be adjudicated by the first respondent after issuing notices to the parties concerned. Though it is contended in the counter affidavit that the issue has been discussed and it is found that the locations mentioned by the petitioner union does not fall under its jurisdiction, the fact remains that the impugned order is silent about the same. By the impugned order, the first respondent without recording any reasons, closed the joint meeting advising the petitioner union and the second respondent management to settle the issues at their level, which is unsustainable. Instead of closing the joint meeting without recording any reasons, the first respondent ought to have submitted a

report to the Government in terms of Section 12 of the Industrial Disputes.

In the above circumstances, I deem it appropriate to dispose of the writ petition directing the first respondent to issue notices to the petitioner union and second respondent-HUDA and conduct the conciliation proceedings and to submit a report to the Government in terms of section 12 of Industrial Disputes Act, expeditiously, preferably within a period of three months from the date of receipt of copy of the order. No costs.

_____

N.V.RAMANA,J

DATE: 13.10.2006

TVK

88

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :3623 of 2006

DATED: 13.10.2006